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March 5, 2002

LB 752

SENATOR BROMM: Okay. Well, that...that was a critical question for me, and I'm...I'm glad to hear the answer because that...I think that helps immensely. Then I want to focus a little bit on Section 3 of the bill, which is the...the disclosure and the items that must be disclosed...

SPEAKER KRISTENSEN: Time. Senator Chambers, you...your light is on next if you want to continue this discussion.

SENATOR CHAMBERS: Yes. Senator Bromm, I would like to ask you to continue.

SENATOR BROMM: Thank you, Senator Chambers. Focusing on Section 3, the list of items that must be disclosed at least ten days before trial, and I take it if these weren't disclosed and...and it were...were determined that the informer fit into one of these...that there was information that wasn't disclosed, that should or would prevent the testimony from being used or...or admitted into evidence.

SENATOR CHAMBERS: Right. It would be inadmissible.

SENATOR BROMM: Right. Now, looking at that list, all cases known to the state in which the jailhouse informer testified and offered statements against a person but was not called as a witness, whether or not the statements were admitted as evidence in the case and whether the jailhouse informer received any deal, et cetera, et cetera. Now, I'm...let's say I'm in Saunders County, and I'm...and I've got some testimony from a jailhouse informer who fits into that category that I want to use in a case, and I want to disclose this to the defendant or his counsel, how am I going to satisfy that requirement? If...if the statement was never used, if the person was never called as a witness, how am I going to know that?

SENATOR CHAMBERS: If you don't know...Senator Bromm, first of all, you and I would, I think, establish a ground rule that the prosecution is acting in good faith and is not going to deny knowing something if it's known or could readily be discovered. For example, if...if he's talking to the snitch and the snitch says, well, I had done this kind of thing before, that would put